

FISCAL NOTE

HB 2744 - SB 2865

February 26, 2008

SUMMARY OF BILL: Broadens the Class E felony offense of unlawful possession of a handgun to include a person with any prior felony conviction. Increases the punishment from a Class E to a Class C felony offense for unlawful possession of a handgun if the offender has a prior conviction for a felony involving the use or attempted use of force, violence or a deadly weapon. Increases the punishment from a Class E to a Class D felony offense, if the prior conviction was for a felony drug offense.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$976,800/Incarceration*

Assumptions:

- Under current law, it is a Class E felony if a person possesses a handgun and has a prior conviction of a felony drug offense or a felony involving the use or attempted use of force, violence or a deadly weapon.
- According to the Department of Correction (DOC), there has been an average of 79 admissions per year for the past five years for unlawful possession of a handgun. DOC estimates a 10 percent increase (8) in the number of persons convicted of unlawful possession of a handgun in the first year as a result of this bill. According to DOC, average operating cost per inmate per day for calendar year 2008 is \$62.78.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6 percent over the next 10 years. Population growth would result in one additional offender in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on nine additional offenders serving 0.3 years (109.58 days) as a result of this bill. The cost per inmate at 0.3 years is \$6,879.43 (\$62.78 x 109.58 days). The total additional operating cost for nine offenders is \$61,914.87 (\$6,879.43 x 9).
- DOC estimates 50 percent (40) of the 79 admissions involved a prior felony with the use or attempted use of force, violence or a deadly weapon and would serve additional time on their sentences as a result of this bill. Population growth would result in five additional offenders

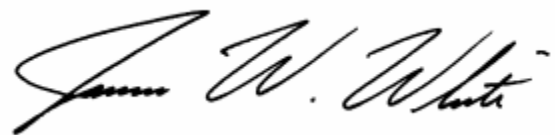
in the tenth year. The maximum cost in the tenth year is based on 45 offenders serving an additional 0.6 years (an increase from 0.3 years for a Class E to 0.9 years for a Class C). The cost per inmate at 0.3 years is \$6,879.43 (\$62.78 x 109.58 days). The cost per inmate at 0.9 years is \$20,637.67 (\$62.78 x 328.73 days). The additional cost from increasing the average sentence length from 0.3 years to 0.9 years is \$13,758.24 (\$20,637.67 - \$6,879.43). The total additional operating cost for 45 offenders is \$619,120.80 (\$13,758.24 x 45).

- DOC estimates the remaining 39 convictions involved a prior felony drug conviction and would serve additional time on their sentences as a result of this bill. Population growth would result in four additional offenders in the tenth year. The maximum cost in the tenth year is based on 43 offenders serving an additional 0.3 years (an increase from 0.3 years for a Class E to 0.6 years for a Class D) as a result of this bill. The cost per inmate at 0.3 years is \$6,879.43 (\$62.78 x 109.58 days). The cost per inmate at 0.6 years is \$13,758.24 (\$62.78 x 219.15 days). The additional cost from increasing the average sentence length from 0.3 years to 0.6 years is \$6,878.81 (\$13,758.24 - \$6,879.43). The total additional operating cost for 43 offenders is \$295,788.83 (\$6,878.81 x 43).
- Any impact this bill would have on caseloads for the state trial courts can be accommodated within existing judicial resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc